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ABSTRACT

The Community Relations Service (CRS) of the U.S. Department of Justice has been called on by judges in a number of school desegregation cases to assist the court in the development of citizen monitoring commissions. CRS has helped design monitoring mechanisms, provided training to the members of monitoring commissions, and supported these citizen groups with continuing technical assistance upon request. A symposium cosponsored by CRS and the College of Education of the Ohio State University had the purposes of exchanging information and ideas about the experiences of court ordered groups to date; developing a body of knowledge in this area; and providing information and guidance for other courts and the commissions they may appoint in the future. This report is a distillation of observations and reports by commission members about their tasks and working structures, of questions and issues raised, and of recommendations by the participants for establishing and maintaining effective mechanisms for monitoring school desegregation. (Author/ML F)

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The Community Relations Service (CRS) is a U.S. Department of Justice agency created by the Civil Rights Act of 1964 to help defuse situations of tension and conflicts arising from inequities or discrimination based on race, color, or national origin.

The agency performs its role of employing conciliation and mediation techniques to settle differences through mutual understanding and voluntary action, rather than through coercion or court litigation. Serving in a technical assistance capacity to governmental elements to better equip them to deal with or avoid racial and ethnic problems is also a vital service the agency renders.

CRS offers its assistance either upon request of appropriate State or local officials or other interested persons, or on its own motion when in its judgment peaceful relations among citizens of a community are threatened.

CRS services have been used extensively in school desegregation cases to assist courts, school officials, and community groups in the peaceful implementation of desegregation plans.

Single free copy of this report may be obtained from Community Relations Service, U.S. Department of Justice, Washington, D.C. 20530

VIEWPOINTS AND GUIDELINES ON COURT APPOINTED CITIZENS MONITORING COMMISSIONS IN SCHOOL DESEGREGATION

From A Symposium Held May 31-June 1, 1977

Manuscript Prepared by

LILA N. CAROL

THE SYMPOSIUM AND THIS REPORT

THE COMMUNITY RELATIONS SERVICE (CRS) of the U.S. Department of Justice has been called upon by judges in a number of school desegregation cases to assist the court in the development of citizen monitoring commissions. CRS has helped design monitoring mechanisms, provided training to the members of monitoring commissions, and supported these citizen groups with continuing technical assistance upon request.

THE SYMPOSIUM on Court appointed Monitoring Commissions in School Desegregation took place on May 31 and June 1, 1977 in Columbus, Ohio. The Symposium was co-sponsored by the Community Relations Service and the College of Education of the Ohio State University. The first ever on this subject, the symposium had these purposes:

- To exchange information and ideas about the experiences of court ordered groups to date.
- To develop a body of knowledge in this area.
- To provide information and guidance for other courts and the commissions they may appoint in the future.

PARTICIPANTS came from 18 states and 26 cities. They included members and staffs of monitoring commissions, school board members, and administrators from monitoring cities. Others came from districts under court ordered desegregation in which monitoring commissions were being considered. City governments were represented; law clerks and assistants to judges took part as did court appointed masters and experts, attorneys for the plaintiffs, representatives from national organizations and agencies, and faculty from Ohio State and other universities. National and regional staff members of the Community Relations Service contributed their experiences, and helped to explore difficult issues, and to formulate guidelines for developing effective citizen monitoring commissions.

THIS REPORT is a distillation of observations and reports by commission members about their tasks and working structures, of questions and issues raised, and of recommendations by the participants for establishing and maintaining effective mechanisms for monitoring school desegregation.

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AN INTRODUCTION TO COURT APPOINTED MONITORING COMMISSIONS

THE CONTEXT

School desegregation cases usually have long histories of painstaking litigation. Only as a last resort have plaintiffs turned to the courts to remedy grievances and discrimination in the quality of education offered to minority students. These grievances have focused upon quality of facilities, curriculum, teacher qualification, counseling programs and testing methods as well as the attitudes of teachers and administrators. Federal courts have consistently found in favor of the plaintiffs in these cases.

Some federal judges, as part of their desegregation decrees, have created mechanisms to help them oversee compliance with their orders. Some have appointed special court masters and experts to function as extensions of the court. Others have created citizen monitoring and advisory committees to oversee court ordered desegregation. In several instances the monitoring function has been shared by a combination of masters, experts, and citizen bodies as in Denver and in Boston.

WHY MONITORING COMMISSIONS?

There are several reasons why judges have appointed monitoring commissions: (1) The court wants effective implementation of its order and recognizes that this can better be achieved when there is understanding and cooperation of the community at large; (2) The court needs to be apprised directly of citizens' perceptions of the problems and issues that arise during the desegregation process; and (3) The court requires an independent coordinating and managing instrument to acquire, organize, and report implementation progress.

Judges have appointed commissions ranging from 10 to 50 members. These groups tend to reflect the racial and ethnic makeup of the community as well as represent business and labor, professionals from a wide variety of fields, technical experts, community organization leaders, former school board members, and in some cases, students. An adequate job of monitoring a large urban school system may require a sizeable number of volunteers in addition to appointed members.

WHERE DO THEY EXIST?

Biracial councils were first established in the south in 1970 by the U.S. Court of Appeals, Fifth Circuit. Since that time, court ordered citizen monitoring commissions have been established in Boston, Buffalo, Dallas, Dayton, Denver, DeKalb County (Georgia), Detroit, Milwaukee, and Springfield, Illinois.

In each instance, the presiding judge designated the mission and the structure of the group, and the number and identity of its members. (In Milwaukee the monitoring board was appointed by the court's special master.)

DUTIES OF THE MONITORING COMMISSION

Courts rely on commissions to monitor the compliance of the school system to the court's desegregation order. Most are charged with overseeing, analyzing, and evaluating the content and quality of the school system's efforts to comply.

Generally, a commission's findings are reported directly to the presiding judge or master who retains the responsibility for oversight and supervision of implementation procedures.

Each monitoring commission develops a plan covering procedures for: (1) recruiting, training, and assigning volunteers to conduct monitoring tasks in the schools; (2) conducting activities connected with the assignment and transportation of students; (3) receiving and analyzing information obtained from reports, hearings, and other sources; and (4) preparing commission reports to the court.

Often commissions find that they must review policies and operation not necessarily specifically included in the desegregation plan, but which may have a major impact on the implementation of the plan. Such areas include student discipline, teacher/administrator attitudes and behavior, and extracurricular activities.

HOW ARE COMMISSIONS SUPPORTED AND STAFFED?

Budgets vary. Several have no official budgets and depend on community contributions and volunteer help. Others have budgets ranging up to $200,000 per year (see appendix).

Staffing patterns vary also. Several cities (Detroit, Boston) have directors, clerical assistance, and other staff supported by state and/or local education funds. Others (Denver, DeKalb County, Georgia) function without staff. In addition, several monitoring commissions have relied on the Community Relations Service of the U.S. Department of Justice, universities, and other outside consultants for technical and other forms of assistance.

HOW LONG DO MONITORING COMMISSIONS EXIST?

Most commissions are empowered on a year-to-year basis, depending for their continuance upon the pleasure of the presiding judge.

Courts in Denver, Detroit, Boston and Dallas have ordered changes in mission, membership, and funding levels based upon the commissions' experiences. These modifications were determined by the courts' assessments of the effectiveness of the monitoring bodies as well as the kinds of assistance needed at a particular stage of the school districts' implementation of desegregation remedies.

HOW ARE MONITORING COMMISSIONS ACCEPTED?

The viewpoint of a federal agency geared to assist in desegregation affairs has been expressed by Mr. Gilbert G. Pompa, Acting Director of the Community Relations Service. Mr. Pompa says:

> In dealing with the more than 500 cases, we've learned (Community Relations Service) that when citizen participation is assured in implementing a school plan, the chances of achieving notable positive and peaceful results are significantly greater. For this reason we generally support the use of appointed monitoring commissions in the process of implementing court ordered school desegregation.

Court appointed monitoring groups are not universally applauded. Some are seen as competition for other citizen groups. They are sometimes viewed by school officials as another interference in the governing and managing of schools. Some school administrators however acknowledge that monitoring commissions can provide useful information and uncover problems of which they were unaware.

Minority group spokespersons generally endorse monitoring commissions as necessary and useful. At a recent NAACP conference on quality education and desegregation, a recommendation was made that "the majority of the commission's membership should be composed of minority persons or plaintiffs, to maximize the chances that evidence will be acted upon after the long legal processes have been gone through."

Nathaniel Jones, General Counsel for the NAACP, observed that "because the school board has ultimate responsibility for developing the desegregation plan, yet has not acted in good faith, minority students are in the situation the chickens find themselves in when tth fox is placed in charge of them. Some courts are inclined to put the fox back in charge of the same coop. There has to be another force to protect the victims of desegregation and see to it that the fox is going to act with some degree of responsibility. We have to be very careful that the monitoring cmmission does not become another form of the fox."

Desegregation advocates hope that ways will be found to insure that monitoring commissions do become effective instruments in assisting courts as they vindicate the constitutional rights of American minorities.

The monitoring commission serves as an important link between the school and the court. Many community members feel that its existence strengthens citizen participation in the schools, and that it can and has become successful in placing citizens' views in court deliberations in ways not available before.

WHAT FACTORS CONTRIBUTE TO SUCCESSFUL MONITORING COMMISSIONS?

In general the success of a commission depends on: (1) the manner in which the presiding judge initiates and attends to the matters assigned to the citizen group; (2) how the citizens' group assumes its responsibility, the clarity with which it understands its mission, and the manner in which it approaches its responsibilities; (3) the attitudes and the degree of cooperation from school officials and school employees; and (4) the responses of the community to monitoring activity.

THE MONITORING COMMISSION AND THE COURT

One of the recurring issues and major problems confronting monitoring commissions is a lack of clarity about their missions. Symposium participants indicated that there was considerable uncertainty among some members of commissions as to their actual authority and responsibility. Ambiguity was often due to the way commissions' charges were spelled out in the judges' orders. For example, in one court order, the commission was expected to engage in "continuous" monitoring. In another, the commission was told to report to the judge "periodically." Such language begs the question of how continuous is "continuous." What are the time parameters in "periodically?"

Some reservations were expressed about the court orders which too narrowly defined the mission of the monitoring bodies, because such specificity constrains the flexibility that commissions might need in certain circumstances.

Persistent problems in communications between judges and the monitoring groups were reported by some. Judges tend to be deeply involved with monitoring groups during the pre-implementation stage of their orders, but as other matters begin to demand attention of the courts, access to judges by monitoring commissions was reduced. In some cases, judges became available only on major and crucial matters.

Several members of monitoring commissions felt that some judges really never had a sustained commitment to and understanding of the needs of the commissions beyond initial visibility. When the visibility was lessened, it was noted that monitoring members became less enthusiastic about the work of the commission. In several cities, this was evidenced by a drop in meeting attendance, questioning the value of a continuing commission and a concomitant decrease in the morale of both members and staff.

How do monitoring commissions relate to judges? This question has caused considerable concern for some participants. Should meetings with the judges be the prerogative of the chairperson? Should judges call upon specific members to meet with them as they find convenient? Should staff members be permitted to communicate independently with judges' offices? Should the entire commission meet regularly with the judge? Who should interpret commission finding to the judges?

Legal issues are constantly surfacing in the work of some monitoring commissions. Not infrequently, a commission's legal authority to obtain information from school personnel or questions on the constitutional rights of students were raised. These commissions have found that they must have legal counsel available. Indeed, the quality of legal counsel available to monitoring commissions was identified as an important factor in determining their potential success or failure.

Conclusions and Recommendations of the Participants

- Judges should be very clear about their mandates, and give specific attention to the limits of responsibility assigned to monitoring commissions.
- Some participants felt that a general and somewhat vague charge may be useful in the early stages of a commission's life. At a later stage more specificity will be required. The judge may use the monitoring commission as an outlet for public comment and as a pressure valve.
- The court order itself should be studied carefully by commission members. If the order is vague, the commission can either seek clarification from the court, or interpret the meaning for itself until the court directs otherwise. As indicated above there are occasions when a less specific charge from the court can serve a community best.
- When questions arise on the meaning of the language in the order, a more specific definition should be requested from the court. Upon its formation the entire commission should receive an orientation from the judge. This will give all members an opportunity to ask questions and receive responses.
- The monitoring commission should clear up ambiguities as to its role and mandate prior to beginning its work.
- A regularized communications pattern should be set up with the judge (i.e., who meets regularly with the judge, how often, what kinds of reports the court expects, how frequently). If the members and staff of the monitoring commission are to communicate with the judge through his staff, the procedure should be clarified in the early days.
- Submission on recommendations to the court should not carry the expectation that any or all will be adopted.
- Commissions should, if necessary, remind the judge that his continued support is essential to their effectiveness.

THE ORGANIZATION AND STRUCTURE OF THE COMMISSION

At this writing, eight monitoring commissions are in existence with membership varying from 10 to more than 100, and budgets ranging from virtually nothing to more than $200,000. Some groups are poorly organized and struggling to carry out their tasks. Others are well organized, report regularly, and meet their challenges. None was prepared at the outset to deal with the enormous problems involved in desegregating urban school systems. Each day brings new problems, new issues, even for the most experienced groups.

Conclusions and Recommendations of the Participants

- The membership of monitoring commissions should include a cross section of the community (students, parents, civic and business leaders, religious groups, labor, teachers, home owners, and plaintiffs). Racial and ethnic characteristics of the community should be represented on the commission, with particular attention to substantial minority membership. The selection of members by the judge is critical. As a participant stated it, "Big names were not big workers." There is a tendency to select prominent persons who are usually over-involved in other matters.
- The court should choose only individuals with exceptional leadership ability to serve as chairpersons. The chairperson not only influences the quality of the commission's work, but may also influence the climate of the community.
- The commission should have responsibility for recommending new members to the judge. In some communities, volunteer monitor/observers who worked hard during the first years were good candidates for commission membership in the second year.
- Members should undergo a training program before embarking on their work. This includes problem identification, conducting needs assessment, consensus building, and recruitment, screening, and training of monitors. They need to know what to look for, what monitoring experiences have been in other districts, what worked and what did not. They need to be aware of how to identify racial isolation in schools, and how to keep from being made captives of the school district.
- Monitoring commissions should establish their own rules, regulations and procedures for monitoring the implementation of the court order.
- The commission should be funded and professionally staffed. Funding may come from federal, state, and local sources, both public and private.
- Commissions should have access to experts in such areas as pupil reassignment, teacher recruitment, orientations, program costs, etc. Such experts may be selected from colleges, business organizations, legal aid staffs, general assistance centers, and urban planning groups. Both the court and the monitoring commission can utilize technical assistance available from the Community Relations Service, U.S. Department of Justice.
- The roles, functions, and responsibilities of monitoring commissions should be specifically identified and defined concurrent with the formation of the commission. The relationships of members to staff, to attorneys, and to other experts should be detailed.
- The monitoring commission should not assume duties of the school board, nor should it build political structures within the commission. Where the court has included a number of components to be moni-

tored, subcommittee task forces can be especially desirable for working at the community level.

- To aid in effective reporting to diverse constituencies, commissions should organize a small number of committees (e.g., a school relations committee for both inter and intra-school; a transportation committee; a safety committee; and a community relations committee).
- Monitoring commissions should provide the court with regular oral and written reports. The contents of these reports should be shared with school officials and with the community. Commissions should have available evaluative criteria. These criteria should relate specifically to the court order and be used to assess the compliance of each school in the system to the court order.
- The monitoring group should be in contact with both plaintiffs and defendents on matters concerning the monitoring of the desegregation plan.
- The monitoring commission should establish criteria for internal and external evaluation of its own effectiveness in carrying out its charge.
- The monitoring commission should remain in existence from the time the desegregation plan is implemented until the court considers its orders to have been carried out and ceases further jurisdiction.
- The monitoring commission should designate one or two spokespersons to report its positions to the court, the school system, the community, and to the media. If every one is free to report for the commission, chaos will inevitably ensue.

THE MONITORING COMMISSION AND THE SCHOOL

School boards, when finally confronted with a court order compelling desegregation, face a community with its very diverse racial attitudes. Years of what minorities see as delay and obstruction have caused minorities to become skeptical of the good faith of many school boards. Other citizens fear that the educational system which they have known will deteriorate. Nevertheless, school boards retain the ultimate responsibility for the quality of education in their communities.

Constructive monitoring commission/school system relationships do not develop easily. School officials may not willingly accept assistance or advice from "outsiders." They may perceive help as an admission of their failure. Sometimes there is resentment at the intrusion of a court ordered body to "look over their shoulder," and to report to the court and community about school officials' business.

Some boards of education view the commissions as potential "super school boards," usurping the role of the boards. Board members point out that boards will continue to exist "whether they like us or not," and their

existence will certainly extend beyond that of monitoring commissions.

There were reports indicating that in some jurisdictions at times school boards have used the commissions as "whipping boys" to divert attention from the fact that they were not facing up to desegregation orders. In other districts, schools were reported to be working cooperatively with the commissions. Some superintendents have encouraged commissions to meet with principals, other administrators and school boards. And some school boards receive commission reports with increasing openness and take steps to improve compliance with the court orders in areas that have been pointed out by the commissions.

It was pointed out, too, that the effectiveness of implementation rests heavily on the teaching and administrative staffs of the desegragating systems. "How," asked professionals, "can teacher support be elicited by the commission?" It was said by teachers in one system, "You can inservice me to death, but I know exactly how I'm going to do what I have to do." And finally, how can the commission deal with individual teachers when the teacher organizations wield very great influence in the school system?

Conclusions and Recommendations of the Participants

- **Repeated efforts must be made to explain clearly the mission and tasks of the commission to school officials and all school personnel. By the same token, such explanations should be reflected in the actions of the commission.**
- **Relationships built on mutual trust and respect should be sought with school officials at all levels.**
- **Teachers as well as administrators should be involved in working with commissions. Their viewpoints and experiences must be sought, for they are important for effective desegregation. These perceptions must be gathered in a regularized process by commissions, and not received only through a few monitor/observers in school buildings.**
- **The commission must reach mutual understanding with building principals, permit them to react to reports concerning their buildings; communicate effectively with the school staff, and share information with them. By establishing working relationships with teachers and building administrators, many minor problems can be solved close to the level at which they have occurred. It has been found that frequently such problems can be handled by local administrators (when brought to their attention). The need to report such problems directly to the judge is minimized, thus reducing the number of court directives that will be addressed to the schools.**
- **The monitoring commission should work closely with the school administration. The superintendent of schools should pass commission recommendations on to the school board. Close communication will ultimately make the recommendations more acceptable to the board, and facilitate cooperation. There will be a need for continuity and commitment for effective desegregation after the commission has been dis-**

solved. Inducing the cooperation of the school system is important in terms of long range solutions.

- **The commission must remain scrupulously free of being co-opted in any way. "Positive relationships" should not threaten the separate and independent operation of the commission.**
- **Commissions should not view school systems as their enemies and perpetual "heavies." Some board member participants pointed out that many boards of education are becoming responsive, and that an adversary relationship helps no one. Participants pointed out that the word "monitoring" alone often puts school people on the defensive. Some suggested such an expression as "information gathering" would be less threatening.**
- **Student participation on monitoring commissions is essential. Students really know what is going on in schools and can give the kind of feedback to the commission that will make it credible in the local community.**

THE MONITORING COMMISSION AND THE COMMUNITY

The composition of the monitoring commission was an issue of major concern. Some reported questions about the legitimacy of the monitoring commission's makeup. Were members from the city? Did they understand the problems? Were their children students in the affected school system? Were minority groups represented? Many participants reported that "their judge" was sensitive to the needs of the community, and each appeared to appoint members with ties to almost all segments of the city. Nevertheless, each city has had its share of resentment about membership.

Concern was expressed about creating unrealistic expectations within the community for what the monitoring commission might accomplish. For some community people, a monitoring commission would be expected to cure all of the ills of the school system. How do commissions distinguish between problems attributable to desegregation and those which existed prior to desegregation? How do monitoring groups deal with education components of desegregation orders? How are lay people trained to identify what "quality desegregated education" means? How is it to be distinguished from the removal of racial isolation? There were questions, too, of how commissions handle the definition of what constitutes quality education.

There are various degrees of concern about a commission's responsibility for educating the community to gain support for lawful implementation of the court's orders. Is educating the community an important part of the commission's work or should that be handled by other agencies and organizations (schools, PTAs, etc)?

Conclusions and Recommendations of the Participants

- Monitoring commissions have to build the broadest possible coalition of support within their communities. Organized labor, for example, particularly in urban areas, can be a major and singularly important supporter of monitoring efforts.
- The majority of members should be from within the city, but representatives of business and the professions should be members regardless of their home addresses. While it is very important to have parents of children in the school heavily represented, others who help shape public opinion and who work with children and their families should be involved, too, such as clergy, health professionals, leaders from civic and social organizations.
- Volunteer monitor/observers should be recruited from the city itself, and they should be recruited for specific roles and specific tasks.
- The commission should determine early what kinds of information the community needs in order to carry out the charge of the court effectively and to keep the community properly informed.
- Efforts to educate the community should involve students and school personnel as well as community members.
- The commission must locate and use expert knowledge in the development of effective community relations. Such expertise exists in every city, and can be brought to bear on the work of the commission.
- Substantial resources are required to conduct a thorough desegregation education campaign for the benefit of the community. The commission must stimulate and generate these resources. A campaign should also include flyers, phone calls, hearings, broadcasters, all possible channels for reaching people.
- The monitoring commission is in a position to listen to the community carefully, assess its needs, report them to the schools, the courts, and in some cases provide for community needs through the commission itself.
- The commission must make clear to the community what matters fall within its scope.
- Commissions cannot view themselves as panaceas for extremely complex social problems. They must be aware of their limitations and avoid unrealistic expectations. In some instances commissions assume too many responsibilities. Monitoring commissions serve as valuable pressure valves for their communities. They can be helpful in alerting judges to problems, but many issues which they uncover will have to be handled by more broadly based community groups, or by more specialized agencies.
- Commissions should seek to work with existing community groups which are city-wide. Such a coalition should be expanded wherever possible, and should not ignore groups with points of view that depart from those of the court.

- **Awareness of community concerns is essential in the reporting process. Monitoring commissions should serve as sounding boards in fulfilling their reporting function. They should receive concerns through the widest range of community interests.**
- **The monitoring commission must be willing "to be unpopular" if necessary to see that the law itself is enforced.**
- **A monitoring commission must guard against locking itself into a quasi-judicial posture that inhibits it from being a good reflector of community concerns.**

THE MONITORING FUNCTION OF THE COMMISSION

In each monitoring commission thus far, the initial task was to set up a monitoring mechanism to assess the extent to which the court's orders were being carried out. The commission obtains its information through the statistics compiled from on-site observations, interviews with school officials, parents, students, hearings, questionnaires, and receipt of complaints. The amount of monitoring data necessary in a large urban school district requires large numbers of persons to act as monitor/observers. It is relatively easy to monitor compliance with racial balance simply by counting heads. The commission should do more, however. Such things as the number of buses arriving on schedule, incidents on the buses, attitudes of drivers, the reception given by "receiving" principals, are vital data for assessing compliance with the court order.

As the desegregation process continues new, or second generation, problems arise. The displacement of minority teachers, suspensions and expulsions of minority students, and the degree to which the school becomes resegregated are examples. Record keeping, teachers' and administrators' involvement in evaluations of the desegregation process, careful monitoring of the problems confronting minority students are of critical importance as the desegregation process continues.

Conclusions and Recommendations of the Participants

- **Schools must be well informed about the monitoring process. what will be monitored? who will be monitoring? how often? what are the limitations upon monitor/observers?**
- **The careful monitoring of student rights and responsibilities should be a priority to ensure that no one class of students is being dealt with unfairly (e.g., expulsions and suspensions).**
- **The monitoring commission may have to evaluate the school system's record-keeping, identify the school records which are maintained and record and compile for themselves those which are needed but not kept by the school.**

- **Monitor/observers should never report directly to school officials, although some commissions have found it useful for the observers to leave copies of the reports with the principals. An observer's report should go directly to the commission. Commission representation should then report to the school those activities which might create tense situations in school buildings or otherwise be valuable.**
- **A procedure for regular reporting of the results of monitoring should be developed at the outset by the commission. Concerns and viewpoints of school officials should be considered when the procedures are in the development stages, and methods for cooperation with school personnel should be established at that time.**
- **Considerable numbers of potential monitors must be found and screened before arriving at the actual persons who will do the monitoring. Far more people will have to be recruited initially than will finally serve as observers.**
- **Monitors must be well trained and not enter schools without understanding of their roles, the instruments they are to use, and the manner in which they are to deal with persons in the schools.**
- **Monitoring should involve reporting observations without value judgments of the observer.**
- **Observers should not be assigned to schools attended by their own children but should operate without vested interest as much as possible.**
- **School officials should be invited to participate, or at least to be observers, at training sessions for commission members and monitor/observers. This will help to reduce fears and apprehensions of many school people.**

THE ADVISORY FUNCTION OF THE COMMISSION

Advising the court and school officials is a sophisticated responsibility; it is a step beyond monitoring which occurs at the building level. Since advice may extend beyond technical compliance, persons responsible for monitoring and advising must have an understanding of the scope and intent of the court order. Good judgment will be required. Since advice will be based on the information that has been collected and analyzed, the quality of those data and their completeness becomes crucial. Data will have to be collected from widely divergent sources. Among them will be the school system's central staff, perhaps the court record, school personnel in various departments, bus drivers, students, parents, and helping agencies in the community. Analysis of the data will likely call for the professional competence and judgments of employed staff.

Conclusions and Recommendations of the Participants

- The commission should be confident that its data collection and analysis are complete before any advice is given. Nothing can destroy the credibility of a commission faster than premature judgments based on inadequate or inaccurate data. The commission must be prepared to call on its own professional staff or outside experts for analyses. Not only must data be valid and reliable, it must be collated and organized in logical, reasonable, and useful ways.
- Recommendations must be issued in a timely and accurate manner to all relevant parties and constituencies. In addition to the legally responsible parties to the suit, distributions should be made to those who must carry out specific recommendations (such as teachers in the classrooms, the school board and city council.) Community and school resources can and should be utilized in solving the problems involved with desegregation.
- Advice should be offered in a form that is politically viable and palatable, without sacrificing the substance or legitimacy of the advice. A confrontation strategy with board members, administrators, and teachers will undoubtedly put these parties on the defensive and can create no-win positions. The result will be delay and further confrontation.
- A monitoring commission may help to construct a remedy as well as monitor implementation.
- Commissions must respect the confidentiality of certain information. Commission members are entitled to data which may be confidential. The commission must use such information in the same way expected of school officials. Where resistance to releasing data is encountered, officials may be able to provide it more willingly if individuals' names are deleted (as in suspension, expulsion, hostile incidents).

IN CLOSING

Dr. Richard C. Snyder, Director of the Mershon Center, Ohio State University noted in closing the symposium that "monitoring commissions have the significant advantage of being embedded deeply in local communities. Their missions go well beyond the charges of the presiding judges, even beyond the desegregation plans themselves. Monitoring commissions are helping to fulfill the nation's basic, constitutional obligations to large numbers of its citizens. There is not a more noble contribution for citizens to make to their communities."

"The trial and error experiences with monitoring commissions are the beginnings of a knowledge base and a culture which can advance the citizen's capacity to find effective ways to cope with major social issues." The history thus far is a history of search, of exploration. It is strewn with success and failure and from each new strength we add to our collective understanding.

"The symposium has the distinction of being the first such assembly ever held. It has the further distinction of reflecting in design and execution the best from our national experience. We can now proceed to another and more effective period in the life of this powerful form of citizen involvement in public enterprise."

THE PROGRAM

MAY 31, 1977

10:00 a.m.
Early Registration and Coffee

1:00–2:00 p.m.
Registration

2:00–3:00 p.m.
OPENING SESSION

Chairperson
Richard Salem, Midwest Director, Community Relations Service, U.S. Department of Justice

Greetings
Donald P. Anderson, Associate Dean, College of Education The Ohio State University

"An Overview of Monitoring Commissions"
Lila N. Carol, Mershon Associate, Mershon Center, The Ohio State University

"The Plaintiff's View of Monitoring Commissions"
Nathaniel Jones, General Counsel, N.A.A.C.P.

3:00–3:15 p.m.
Break

3:15–5:15 p.m.
THE KIVA—Round 1

Key Question
HOW CAN THE COURT'S CHARGE TO THE MONITORING COMMISSION BE CLARIFIED AND TRANSLATED INTO OPERATING TERMS?

Discussants
From the perspectives of monitoring bodies
school officials
community leaders
external observers

Facilitators for all Kivas
Luvern L. Cunningham, Novice G. Fawcett Professor of Education
Lonnie H. Wagstaff, Professor of Education
The Ohio State University

5:15–6:00 p.m.
Reception

6:00–7:25 p.m.
Dinner

Remarks
Gilbert Pompa, Acting Director, Community Relations Service, U.S. Department of Justice

7:30-9:30 p.m.

THE KIVA—Round 2

Key Question

HOW CAN CONSTRUCTIVE WORKING RELATIONSHIPS BE ESTABLISHED WITH THE COURTS, SCHOOLS, COMMUNITY AND MEDIA?

Discussants

From the perspectives of school officials
community groups
monitoring bodies
external observers

9:30 p.m

FORMAL MEETING ADJOURNED

informal group discussions

JUNE 1, 1977

8:30–10:15 a.m.

THE KIVA—Round 3

Key question

WHAT POLICIES AND PROCEDURES SHOULD BE ESTABLISHED TO FACILITATE THE WORK OF THE MONITORING COMMISSION?

Discussants

From the perspectives of monitoring bodies
school officials
community groups
external observers

10:15–10:30 a.m.

Coffee Break

10:30–12:30 p.m.

INTENSIVE WORK SESSIONS

To share, analyze, learn, and recommend

Area 1: THE MONITORING FUNCTION

Facilitator: Rachel Tompkins, Citizens Council for Ohio Schools, Inc.

Discussant: William Wimberly, Boston City Wide Coordinating Committee

Reporter: Nancy Zimpher, Director, Student Laboratory Experience in Education, College of Education, The Ohio State University.

Area 2: THE ADVISORY FUNCTION

Facilitator: Don Pierce, Director, Metropolitan Columbus Schools Committee, Columbus

Discussant: Rita Scott, Director of Education, New Detroit, Inc., Detroit

Reporter: Donald P. Anderson, Associate Dean, College of Education, The Ohio State University

Area 3: ORGANIZATION AND STRUCTURE

Facilitator: Kevin Ryan, Associate Dean, College of Education, O.S.U.

Discussant: Kenneth Harris, Director, U.S. Monitoring Commission, Detroit

Reporter: Lawrence Benjamin, Professor, College of Education, O.S.U.

Area 4: COMMUNITY EDUCATION

Facilitator: James Williams, Graduate Research Associate, O.S.U.

Discussant: Lorie Young, Denver Community Education Committee

Reporter: Charles Mand, Professor, College of Education, O.S.U.

Area 5: REPORTING TO COURTS, SCHOOLS, COMMUNITY

Facilitator: Richard Kelsey, Professor of Education, O.S.U.

Discussant: Phyllis Greer, Dayton Citizens Advisory Board

Reporter: Isabel Miller, Professor of Education, O.S.U.

12:30–1:45 p.m.

Luncheon

2:00–2:50 p.m.

WORK SESSION RECOMMENDATIONS

3:00–3:45 p.m.

A SYNTHESIS OF THE SYMPOSIUM

Richard C. Snyder, Director, Mershon Center, O.S.U.

3:45–4:00 p.m.

CONCLUDING REMARKS

Richard Salem, Community Relations Service, U.S. Department of Justice

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Symposium Coordinator

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REMARKS BY GILBERT G. POMPA

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Before discussing the role of Court-appointed Monitoring Commissions, I'd like to briefly comment on the race relations climate surrounding the school desegregation issue which has sparked nationwide controversy.

Many citizens believe that the state of race relations in the United States is calm. It is not. The socio-economic forces that divide our minority and majority communities have not changed with the mere passage of civil rights legislation. The wounds of the urban riots and civil disorders of the 1960's have not fully healed. Yet the notion that "blacks and other minorities have arrived" is gaining ascendancy.

Many now believe that complete parity exists in the opportunity to obtain economic and political power. But when we take a close look at the Nation's minority communities, the opposite is found. Despite some limited gains, a constant war for economic and social survival is still being waged.

Black and Hispanic unemployment rates are twice that of our national average, and minority youth unemployment hovers around the 40 percent mark.

The income gap separating our minority and majority populations continues to widen. The average income of black and Hispanic families is a mere 58 percent of the average white family income. And it is obvious that the desperate need for adequate housing and improved health care in minority communities is not being met.

Crime, too, plagues the minority community and deters the fight for better living conditions. Findings that minorities are disproportionately represented as both perpetrators and victims of crime do not surprise community leaders.

They've learned long ago that chronic unemployment and ghetto conditions are crime's fertile breeding grounds.

Even a cursory examination of the Community Relations Service record of responding to serious racial and ethnic disputes points out that the Nation has much unfinished business to complete before interracial harmony is achieved. Our records indicate a continuing high incidence of confrontations between minorities and establishment groups.

Demands are increasing that city leaders, police, business and industry representatives, and others respond to minority needs.

No longer do these demands take the form of dramatic marches, sit-ins, and demonstrations. Stridency has been replaced by sophistication in the form of detailed bills of particulars, negotiations, court actions, etc. This is the climate that surrounds the explosive issue of school desegregation.

It should not be forgotten that nowhere is the push for recognition of minority problems as great, nor the demand for appropriate action as strong, as in the field of education. It has long been the view of minority leaders that education is the key to future progress and that desegregation is the first of many long and hard steps that must be taken to guarantee equal employment opportunity, and thus a brighter future for minority youth.

The implementation process has demanded major sacrifices by both majority and minority citizens. CRS, with its 13 years of dealing with crises in the schools, has found that the transition to desegregation can be either productive or destructive.

It may result in positive school change that influences the development of a city-wide climate of interracial acceptance, or it may prove to be a disruptive force, a continuing threat to community peace and stability.

We have found that

1. Students facing the prospect of desegregation express fears of displaced friendships, of physical confrontation, loss of positions in school clubs and on athletic teams, and even academic failure, *but perhaps what they fear most is the unknown.*

2. Teachers fear the possibility of permanent transfers or new demands for which they've not been trained, and of disruptive school behavior.

3. Parents and community members raise concerns over the transportation and safety of students—and generally question whether the promise of an improved education through desegregation can be fulfilled.

Over the years CRS has worked with all these groups to see that their concerns are recognized and dealt with in the implementation of a remedy.

We've offered conciliation assistance where confrontations have developed and have assisted in training school security staffs and police units to prevent school disruptions.

A major thrust of our assistance to communities undergoing desegregation has been the development of responsive citizen participation mechanisms to impact on implementation. In dealing with the more than 500 cases we've learned one clear lesson—when citizen participation is assured in implementing a school plan, the chances of achieving notable positive and peaceful results are significantly greater.

For this reason, we support the use of appointed monitoring commissions in the process of implementing court-ordered school desegregation. In fact, CRS has offered extensive technical assistance to such commissions in Dayton, Dallas, Boston, and Springfield, Illinois.

CRS specialists have been active in advising judges of the community relations aspects of desegregation cases and in identifying qualified and representative community people to serve as members. Our technical assistance has also included the training of school and community monitors, and the tightening of a commission's organizational structure to effect a more active response to their court-mandated duties.

At the same time, however, we recognize that commissions can become overly powerful mechanisms and that precautions should be taken to avoid their becoming mere "extensions of the court." CRS is convinced that with proper staffing, orientation, operational procedures, and an action-oriented structure, court-appointed commissions can facilitate a peaceful implementation process.

We believe that as a result of commission successes thus far, more judges in the future will consider some type of formal citizen involvement. From the judge's perspective, accurate and timely reports are received on subjects such as transportation, school and community liaison, suspensions, expulsions, and police and safety coordination. You and I know that this information provides him with the necessary technical data to assess whether the remedies are working, and whether changes are necessary.

The schools, also, benefit in that judges are able to more closely determine the impact of desegregation in classrooms, and are therefore more attuned to the real climate of acceptance among students. But just as we all understand the benefits—or potential benefits—of monitoring commissions, we should be aware of the many criticisms voiced concerning their use.

At today's session, we learned that among other concerns the commissions are often viewed as a "super-structure" by school officials. We heard claims that monitors coming into the school may create insecurity among school adminis-

trators and staffs—that may work against the desired stabilization. These are the concerns that must be addressed if monitoring commissions are to continue having a positive impact in peaceful and orderly implementation.

CRS believes that the challenges posed in addressing these concerns can be met at this conference, and we stand ready to offer whatever technical assistance is necessary to achieve that goal.